

JUDICIAL CUSTODY OF YOUTH TO THE DEPARTMENT OF HUMAN SERVICES

Guidelines & Procedures

BACKGROUND

Since the Department of Human Services began its leadership role in the FACT Initiative, concerns have been expressed by our staff, staff of allied agencies, juvenile judges, and families that the traditional system of assigning legal custody to one entity within DHS was not appropriate for children and youth who exhibited multiple problems requiring intervention from two or more DHS program divisions. While these cases are not in the majority, they can be amongst the most difficult to serve and can cause great frustration amongst all stakeholders. The most frustration is caused when agencies who are understandably reluctant to assume full custody engage in lengthy and conflictual discussions regarding who will assume responsibility. The focus in these cases becomes the controversy, not what is the right service plan for the child and family.

Recognizing the nature of these cases, the Department endorsed the concept of providing for a dispositional alternative of placing custody of children/youth that cross the boundaries of several divisions with the Department of Human Services. This concept was endorsed by the Juvenile Justice Task Force and enacted by the 1998 Legislature in the form of SB 5.

GENERAL

1. When a youth qualifies for services from more than one Division in the Department of Human Services, custody may be given to the Department instead of a single Division.
2. The Local Interagency Council (LIC) shall be designated as the multi-disciplinary or interagency screening team. In some communities it may be appropriate to utilize a designated Court Staffing Committee or a subcommittee of key LIC members as the interagency team.

STAFFING

1. Juvenile Court staff or Department staff can request a staffing by the LIC by contacting the LIC Coordinator when it appears likely that a youth may qualify for Department custody. (A listing of LIC chairs and coordinators and telephone numbers is available on the Department of Human Services' Web-site - www.dhs.state.ut.us/EDO/lic.htm. Communities utilizing Interagency Teams other than the LIC or an LIC subcommittee will contact the coordinator for the Staffing Committee).
2. The LIC or designated Staffing Committee will convene within five (5) working days to discuss the appropriateness of Department custody unless the youth is in detention or shelter and needs to be placed more quickly. In this case, the team should meet the needed time frames of shelter or detention.
3. Appropriateness for Department custody should be based on: (a) the youth meets the requirements of two or more DHS Divisions, (b) the resources/services of more than one Division is required by the youth, and © it is not suitable for a single Division to have custody. Lack of Division funding should never be a criteria for assigning custody to the Department.
4. If the LIC or Staffing Committee team determines that Department custody is appropriate, the team will designate a Division, or when possible a Division staff member, within the Department to be the case manager. The case manager is responsible for the case and the coordination of the services, and is the contact person for all inquiries, problem resolution, or concerns regarding the case. The case manager will also be the Department representative at court hearings and/or appearances. (Identification of the case manager should be based on the criteria needed to answer the questions: Who has a relationship or has the best potential of developing a relationship with the youth and family and/or who has responsibility for delivering the majority of services?)
5. If appropriate for Department custody, the LIC will determine a service plan development team.
6. If the Juvenile Court Judge orders custody to the Department without a LIC screening, the department staff member present in the courtroom at the time or the Juvenile Court staff member present will within one (1) working day notify the LIC coordinator or Staffing Committee coordinator so that a service plan development team can be scheduled. At

no time should a Department staff member recommend Department custody to the Court without first having the required Team staffing. The case manager responsibility for the case will be designated during the first meeting of the service plan development team.

SERVICE PLAN

1. The service plan should be developed with input from the parents, youth, and LIC members.
2. The service plan should provide for the best interests and safety of the youth, for the safety of the community, for the least restrictive setting consistent with the youth's need, and for close proximity to the parents as possible if an out of home placement is needed.
3. Each service plan will have an identified goal and identified action steps to reach the goal. Time frames and responsibility will be outlined for each action step (objective). The service plan will provide for services for the family, as well as the youth.
4. The case manager will ensure that the case is appropriately entered into the USSDS information system. The WP80 screen should be utilized to register a Department custody youth. The appropriate case plan forms of the Division from which the case manager comes should be completed. (For example, if the case manager is a Division of Youth Corrections employee, the DYC case plan forms should be completed.)
5. The service plan should be developed within thirty (30) days of the Department receiving custody, unless the youth is in detention or shelter and needs to be placed more quickly. In this case, the team should develop a plan to meet the needed time frames of shelter or detention.
6. The service plan will identify the services needed by the youth and will identify which Divisions or entity will be responsible for funding or delivering the services. In most incidences, the Division who has the staff or the contract should be the entity paying the service. For example, if the youth needs a tracker from a DCFS provider, DCFS would most likely pay for the service; or for example, the case manager is a DYC employee, DYC would fund the case management function. Funding and staff support comes from the local Divisions' budget.
7. The Divisions identified in the service plan will continue to be involved with the youth and family until the case is closed. Ownership and responsibility remains with all of the identified Divisions even if they are not named as the case manager.
8. If the court petition, or pending petition, is for child abuse, neglect, or dependency the requirements for the David C. Settlement Agreement should be met. The DCFS member of the LIC should be the assigned case manager to ensure compliance with the requirements.
9. The Department Rapid Response Team is available to the LIC for consultation, if the LIC would like assistance in developing the service plan. (See the Department Website for steps on how to make a referral to the Rapid Response Team.) The Rapid Response Team will also serve as the "back-up entity" if, for some reason, the LIC or Staffing Committee fails to develop a service plan for the Department custody youth.

PROGRESS REPORTS

1. The case manager will be responsible for convening the LIC (could be a LIC subcommittee with key players) or Staffing Team at least every six (6) months to review the progress of the youth and to make needed adjustments to the service plan.
2. Every six (6) months the case manager will report to the Juvenile Court Judge the progress and status of the case. The case manager will follow the procedures for reporting outlined by the local Juvenile Court. An Administrative Review or Citizen Review is also required every six months for those cases that need to meet the David C Settlement Agreement requirements.